

EXHIBIT 3

From: [Jonathan Mitchell](#)
To: [Ellis Herington](#)
Cc: [Dwain K. Rogers](#); [Matt Rienstra](#); [Ellen Leonida](#); [Andrew Levine](#); [Max Bernstein](#); [Shannon Morrissey](#); [Gemma Null](#); [Katherine Chiarello](#); [Kayna Levy](#); [Maria Calaf](#); [Ryan Botkin](#)
Subject: Re: Deposition of Bonnie Wallace
Date: Wednesday, March 22, 2023 5:19:10 PM

***** EXTERNAL MESSAGE *****

The joint notice does not absolve you of your obligation under Rule 30 to obtain leave of court or our consent before deposing a witness a second time.

On Mar 22, 2023, at 2:09 PM, Ellis Herington <herington@braunhagey.com> wrote:

Jonathan,

Please refer to the parties' Joint Notice Regarding Plaintiffs' Motion for Expedited Discovery (ECF No. 39), wherein the parties agreed that the expedited discovery obtained in connection with Plaintiffs' Motion for Preliminary Injunction would "not prejudice Plaintiffs from later seeking additional discovery or deposing witnesses during the formal discovery phase of this litigation." The parties further specified: "By entering into this stipulation, the parties do not waive, and expressly reserve, the right to take all discovery to which they are entitled under the Federal Rules of Civil Procedure." For ease of reference, I attach ECF No. 39 here.

Please confirm whether you will offer new dates for her deposition in light of the parties' prior agreement, or if you will oppose our motion to compel and for sanctions. Otherwise, we still intend to file our motion promptly after 5:00 p.m.

Best,
Ellis

Ellis E. Herington
BRAUNHAGEY & BORDEN LLP
Direct: (415) 491-7025 ext. 185
Cell: (415) 672-0066

From: Jonathan Mitchell <jonathan@mitchell.law>
Sent: Wednesday, March 22, 2023 1:51 PM
To: Ellis Herington <herington@braunhagey.com>
Cc: Dwain K. Rogers <drogers@co.llano.tx.us>; Matt Rienstra <matt.rienstra@co.llano.tx.us>; Ellen Leonida <Leonida@braunhagey.com>; Andrew

Levine <levine@braunhagey.com>; Max Bernstein <bernstein@braunhagey.com>; Shannon Morrissey <Morrissey@braunhagey.com>; Gemma Null <null@braunhagey.com>; Katherine Chiarello <katherine@wittliffcutter.com>; Kayna Levy <kayna@wittliffcutter.com>; Maria Calaf <mac@wittliffcutter.com>; Ryan Botkin <ryan@wittliffcutter.com>

Subject: Re: Deposition of Bonnie Wallace

***** EXTERNAL MESSAGE *****

Read FRCP 30(a)(2)(A)(ii).

On Mar 22, 2023, at 1:32 PM, Ellis Herington <herington@braunhagey.com> wrote:

Jonathan,

I write regarding Defendant Bonnie Wallace's failure to attend her deposition, which was scheduled for 10:00 a.m. today per the notice served on you by email on March 1, 2023. I was in attendance along with the court reporter and videographer Plaintiffs retained to record her deposition. Will you offer new dates on which Defendant Wallace is available for us to take her deposition? If not, we will be filing a motion to compel her deposition and a motion for sanctions for her failure to attend, seeking sanctions against both Defendant Wallace and Defendants' counsel.

Please confirm whether you will offer new dates for her deposition, or if you will oppose our motion, by 5:00 p.m. today. We intend to file our motion promptly after 5:00 p.m.

Best,
Ellis

Ellis E. Herington
BRAUNHAGEY & BORDEN LLP
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<Doc 039 - 2022-06-07 - Joint Notice re Mot Exp Disco.pdf>

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